

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                                  |   |                                   |
|----------------------------------|---|-----------------------------------|
| JOHN PHILLIPS,                   | ) |                                   |
|                                  | ) |                                   |
| Plaintiff                        | ) |                                   |
|                                  | ) |                                   |
| vs.                              | ) | Civil Action No. 06-1338          |
|                                  | ) |                                   |
| RAMON RUSTIN; BRUCE DIXON, M.D.) |   | Judge Arthur J. Schwab            |
| ALLEGHENY COUNTY JAIL;           | ) | Magistrate Judge Amy Reynolds Hay |
| ALLEGHENY CORRECTIONAL           | ) |                                   |
| HEALTH SERVICES, INC.;           | ) |                                   |
| THE COUNTY OF ALLEGHENY;         | ) |                                   |
| JANE DOE; and JOHN DOE,          | ) |                                   |
|                                  | ) | Re: Dkt. [3]                      |
| Defendants                       |   |                                   |

**ORDER**

AND NOW, this 26<sup>th</sup> day of September, 2007, after the Plaintiff, John Phillips, filed an action in the above-captioned case, and after a Motion to Dismiss was filed and after Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and objections having been filed by Bruce Dixon, M.D., Allegheny Correctional Health Services, Inc. which are without merit, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss is denied;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must

do so within thirty (30) days by filing a notice of appeal as provided in Rule 3,  
Fed.R.App.P.

**DONE and ORDERED.**

s/Arthur J. Schwab

Arthur J. Schwab

United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

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